

REMARKS

The application has been reviewed in light of the Office Action dated June 19, 2003. Claims 1-35 are pending with claims 1-4 and 10-13 being in independent form. By this Amendment, Applicant has amended independent claims 1 and 10 to clarify the claimed invention and place the claims in better form for examination, without narrowing the scope of the claimed invention. Applicant respectfully submits that no new matter is introduced by the claim amendments.

Claims 1-4 and 10-13 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,802,026 to Tsukihashi.

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that independent claims 1-4 and 10-13 are patentable over the cited art, for at least the following reasons.

The present application relates to adapting a rotation velocity of an information medium that is rotationally driven when data is read from the medium.

For example, each of independent claims 1-4 relates to an information reproducing method. According to claim 1, information is read from an information medium that is rotated, and a rotation velocity of the information medium is adjusted according to a data transfer rate based on a specification of a read request. According to claim 2, information is read from an information medium that is rotated, an average transfer rate in data read is measured and a rotation velocity of the information medium is lowered if the average transfer rate measured is equal to or lower than a predetermined threshold value. According to claim 3, information is read from an

information medium that is rotated, an average transfer rate in data read is measured and a rotation velocity of the information medium is raised if the average transfer rate measured is greater than a predetermined threshold value. According to claim 4, information is read from an information medium that is rotated, an average transfer rate in data read is measured, a rotation velocity of the information medium is raised if the average transfer rate measured is greater than a predetermined threshold value, and the rotation velocity is lowered if the average transfer rate is equal to or lower than the predetermined threshold value.

Tsukihashi, as understood by Applicant, is directed at a disk player which drives a disk (recorded in a constant linear velocity format) at a constant angular velocity. In such operation (i.e. when the disk is driven at the constant linear velocity format), the linear speed differs significantly as between the innermost and the outermost tracks, and therefore data transfer rate varies. According to Tsukihashi, the data transfer rate can be adjusted to keep within the performance range of the processing speed of the signal processing subsystem (which performs, for example, error detection and correction). For example, when data transfer rate exceeds the processing speed range of the signal processing subsystem, such that writing of data to the buffer memory overflows, data transfer to the buffer memory can be halted until sufficient data from the buffer memory has been processed by the signal processing subsystem. As Tsukihashi states at column 8, lines 34-38, it is not necessary to vary the speed of the spindle motor if access operations are controlled.

Applicant find no disclosure or suggestion in Tsukihashi, however, of adjusting a rotation velocity of the information medium according to a data transfer rate, as provided by the methods recited in independent claims 1-4. Since Tsukihashi does not disclose or suggest each and every feature of the claimed invention, the cited art does not render the claimed invention unpatentable.

Independent claims 10-13 are patentably distinct from the cited art for at least similar reasons.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 1-4 and 10-13, and the claims depending therefrom, are patentable over the cited references.

The Office Action indicates that claims 5-9 and 14-35 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, since independent claims 1-4 and 10-13 are submitted to be patentable over the cited art, no changes to the form of claims 5-9 and 14-35 are believed to be necessary.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an additional extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the

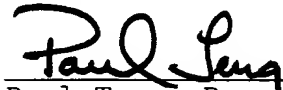
Yoshiyuki SASAKI, S.N. 09/884,210
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undersigned attorney.

Entry of this amendment and allowance of this application are
respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

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